

HOMES OR DWELLINGS IN THE A-1 AND A-2 DISTRICT

ZONING DIRECTIONS FOR HOMES OR DWELLINGS IN THE A-1, AGRICULTURAL DISTRICT

Information to determine if a home or dwelling can be built on an A-1, Agricultural zoned property or if that property should be rezoned to the A-2, Agricultural Residential district or some other district in order to build a new home or dwelling.

Dubuque County Zoning Ordinance regarding farm homes or dwellings:

Section 1-15.2(a)(2) Permitted Principal Uses and Structures - *Farms, including the usual farm buildings, structures and one owner occupied farm dwelling [home]; additional dwelling units [homes] on a farm shall be considered as a residential use and require a special use permit from the Board of Adjustment. Also, no more than one mobile home shall be allowed on a farm and only if used by the owner of the farm, or an employee or family member of the farm. Dwellings may be rented for residential use when not used as a farm dwelling. Mobile homes cannot be rented for residential use.*

FARM HOMES OR DWELLINGS:

1 - FIRST HOME OR DWELLING ON A FARM-

A farmer may place **one** owner occupied farm home or dwelling on their farm property. The owner will need to qualify for the Farm Exemption. Adjoining lots in the same ownership will be used to determine the farm exemption (Section 1-6.1e).

Additional requirements needed to put a home on the property. (Some fees will apply):

- residential entrance (no fee)
- well permit, if putting in new well
- septic permit
- erosion control (ESC) permit
- zoning certificate (no fee if owner meets the farm exemption)
- address request

2 - ADDITIONAL HOMES OR DWELLINGS ON A FARM-

Additional homes or dwellings on a farm are considered residential use. They **may** be allowed by the Board of Adjustment and would require a Special Use Permit. The owner needs to demonstrate why the home is needed and how the occupants of the home would assist with the farming operation. This home will need to meet setbacks from the front, side and rear property lines and pay the Zoning Certificate fee. This process is recommended for someone who is putting a **temporary** home on the farm such as a mobile home or manufactured home. The home cannot be platted off or divided off of the farm. If a bank loan is being used to finance the project, you should **make sure the home will meet the bank's requirements for financing**. Also, all of the "additional requirements" above must be met.

3 - MOBILE HOMES ON FARMS-

No more than one mobile home shall be allowed on a farm and only if used by the owner of the farm, or an employee or family member of the farm. Mobile homes cannot be rented for residential use. The mobile home shall be made into a permanent structure by removing all wheels, axles and hitches (if detachable). The mobile home shall be placed upon a permanent foundation or substructure, tied down and covered with skirting or other appropriate materials around the base, per industry or state standards.

HOMES OR DWELLINGS IN THE A-1 AND A-2 DISTRICT

RESIDENTIAL HOMES OR DWELLINGS ON A-1, AGRICULTURAL ZONED PROPERTY

Dubuque County Zoning Ordinance regarding residential dwellings in A-1, Agricultural:

Section 1-15.2c(23) Single Family Dwelling/Home (on a scrub parcel) if the following criteria are met:

- (a) The proposed residence [home] is located on a site of heavy vegetation or steep slope unsuitable for agriculture by reason of nature [scrub parcel]. The site must be at least one (1) acre in size.*
- (b) No Special Use Permit shall be issued for a single family dwelling [home] over the demonstrated hardship or nuisance relative to any adjoining property owner or unless the County Board of Supervisors overrules this condition on a case by case basis.*

A residential home or dwelling may be allowed by the Board of Adjustment in the A-1 Agricultural district and would require a Special Use Permit. The new home must be placed on a site of heavy vegetation or steep slope unsuitable for agriculture by reason of nature (scrub parcel). The site must be at least one acre in size and the home must be able to meet the setbacks for the A-1 district of 80' front yard setback from the right-of-way line, and a 50' side and rear yard setback from the property lines.

Additional requirements needed to put a home on the property. (Some fees will apply):

- residential entrance
- well permit, if putting in new well
- septic permit
- erosion control (ESC) permit
- zoning certificate
- address request

REZONE EXISTING FARM HOME TO A-2 TO DIVIDE IT OFF THE FARM PROPERTY ON A SMALL LOT

Dubuque County Zoning Ordinance regarding surveying existing farm homes off of the farm:

Section 1-15.3(a)(1) Permitted Principal Uses and Structures - Farm homes, currently in existence, on property for which there is a need to separate the residence from the farm property. An explanation of the need to plat off the existing farm home must be put in writing and included with the rezoning application.

If someone owns a farm home, with or without farm buildings, they may request to rezone a portion of their farm property to A-2, Agricultural Residential to be able to sell the home off of the farm property with a minimal amount of agricultural land (or to keep the home and sell off the farm ground). This district was created to preserve agricultural land but to also allow a farmer to recoup some of their investment in a home or buildings that they do not need or want. This also allows existing housing to remain in the county for people who want to continue to live in the rural areas without taking more agricultural land out of production. An explanation of why the home needs to be divided off of the farm property must be included with the rezoning application.

HOMES OR DWELLINGS IN THE A-1 AND A-2 DISTRICT

BUILDING NEW SINGLE FAMILY HOME OR DWELLING ON A-2, AGRICULTURAL RESIDENTIAL PROPERTY:

Dubuque County Zoning Ordinance regarding farm homes or dwellings:

Section 1-15.3(a)(2) Permitted Uses and Structures-Single Family Dwelling, if all of the following criteria are met:

- (a) The proposed residence [home or dwelling] is needed to continue or promote farming operations in the area; and*
- (b) The proposed residence [home or dwelling] does not alter the essential character of the neighborhood; and*
- (c) The proposed use is in accordance with the purposes and intent of the Zoning Ordinance and Comprehensive Plan; and*
- (d) No single family [home or] dwelling will be allowed if a hardship or nuisance relative to any adjoining property owner is demonstrated.*

If someone wants to build a new home or dwelling on a small lot in the agricultural area, they may request to rezone a portion of the property to A-2, Agricultural Residential. This would allow someone who qualifies, to live in the unincorporated area of the county without rezoning to an "R" residential district, which could be considered spot zoning. The Board of Supervisors has final approval of the rezoning and the applicant would need to qualify by answering (a), (b) and (c) above to the satisfaction of the Board of Supervisors. Also, no single family home or dwelling will be allowed if a hardship or nuisance relative to any adjoining property owner is demonstrated.

The A-2, Agricultural Residential district was created to preserve agricultural land but also to allow some residential use in the county so property owners not in an "R" Residential zoning are treated fairly. An applicant will need to fill out the Rezoning Application, answer the questions (a), (b) and (c) above, provide a site plan and pay \$200 rezoning fee to get on the next Zoning Board agenda.

Additional requirements needed to put a home on the property. (Some fees will apply):

- residential entrance
- well permit, if putting in new well
- septic permit
- erosion control (ESC) permit
- zoning certificate
- address request